

REMARKS

In response to the Office Action mailed May 8, 2009 ("the Office Action"), Applicants respectfully request reconsideration and reexamination of this application, removal of the rejections outlined below, and the timely allowance of the pending claims.

Status of the Claims

Claims 20-34 were pending in the application. Claims 1-19 were cancelled previously. Accordingly, claims 20-34 remain for examination.

Rejection of Claims Under 35 U.S.C. § 102(b) and 103(a); Navas

Section 102(b) Rejection

The Examiner has rejected claims 20, 21, 24, 25, 28, 31, and 32 under 35 U.S.C. § 102(b) as allegedly being anticipated by Navas. Office Action at p. 2. Applicants traverse the section 102(b) rejection of claims 20, 21, 24, 25, 28, 31, and 32, and respectfully request withdrawal of the rejection for at least the following reasons.

To anticipate a claim, “[t]he identical invention must be shown in as complete detail as is contained in the... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989); see MPEP 2131. Claim 20 of the present application claims the following (emphasis added):

the opening in the cylindrical body portion second end having a width that is less than a width of the enlarged end portion but is greater than a width of the first elongated body to allow the second rod portion to laterally bend with respect to the cylindrical body portion[.]

Similarly, claim 28 recites the following (emphasis added):

an opening that includes a width that is less than a width of the enlarged end portion of the second rod portion and is greater than a width of the first elongated body over the second rod elongated body such that the elongated body passes through the opening and the enlarged end portion is secured within the cylindrical body portion, and the second rod portion can laterally bend with respect to the cylindrical body portion.

Nowhere does Navas disclose such an opening permitting lateral bending, and thus, Navas cannot anticipate claim 1.

Navas only discloses devices with an opening through which the described rod can pass in a fixed orientation parallel to the long axis of the disclosed cylinder. The Examiner alleges that Navas discloses "a threaded cap (2)... including a circular opening (20) having a width greater than the elongate body of the second rod capable of allowing the second rod to bend, i.e. translate within the opening, with respect to the cylindrical body." Office Action at p. 3. But the Examiner points to no specific portion of Navas that describes or depicts opening 20 as sized for permitting a rod to pass through and laterally bend with respect to a cylinder. Applicants respectfully submit that, in fact, Navas does not disclose an opening capable of allowing a rod to laterally bend with respect to a cylindrical body. Every figure of Navas that depicts opening 20 shows opening 20 with a diameter just large enough to permit rod 30 to pass through opening 20 perpendicular to cover 2 and parallel to the long axis of cylinder 1. See Navas at Figs. 1 and 2. Opening 20 is never depicted or described as having a dimension sufficiently larger than that of the diameter of rod 30 in order to accommodate lateral bending of rod 30 with respect to cylinder 1. Thus, as Navas does not describe an

opening capable of allowing a rod to laterally bend with respect to a cylindrical body, Navas cannot anticipate claims 20 and 28.

Further, because claims 21, 24, and 25, depend from claim 20 and claims 31 and 32 depend from claim 28, it is respectfully submitted that claims 21, 24, 25, 31, and 32 are not anticipated by Navas for at least the same reasons.

Section 103(a) Rejection

The Examiner has rejected claims 22, 26, 29, and 33 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Navas. Office Action at p. 3. Applicants traverse the section 103(a) rejection of claims 22, 26, 29, and 33, and respectfully request withdrawal of the rejection for at least the following reasons.

Navas fails to disclose, teach, or suggest all of the claimed elements/limitations of claims 22, 26, 29, and 33. Since claims 22 and 26 depend from independent claim 20, and since claims 29 and 33 depend from independent claim 28, all elements of the respective independent claims are required by the dependant claims. As discussed above, Navas fails to disclose, teach, or suggest all elements of independent claims 20 and 28, because Navas fails to disclose, teach, or suggest an opening capable of allowing a rod to laterally bend with respect to a cylindrical body.

Furthermore, modifying the device of Navas to include an opening accommodating lateral bending would not have been obvious to one of ordinary skill in the art, because such a modification would be inconsistent with additional aspects of the Navas device. The Navas device is specifically designed for supporting only uniaxial translation of rod 30 and piston 3 with respect to cylinder 1. See Navas at col. 2, ll. 31-35, and Figs. 1, 2, and 4. Navas describes only embodiments configured "so as to

ensure good guiding of the piston in the bore 12 of [the] cylinder 1[.]" *Id.* at col. 2, ll. 18-19. Navas explains that "good guiding" can be ensured when "the height of the piston 3 is large with respect to the length of the cylinder 1," or in the alternative, when "rod 30 is secured to a tubular cage 7 via its bottom 70, the skirt 71 of this cage sliding closely with respect to the outside of the cylinder 1." *Id.* at col. 2, ll. 17-18, and col. 3, ll. 28-33. These configurations necessarily prevent the piston from being able to rotate about its radius (i.e., an axis perpendicular to the long axis of the cylinder) within the bore of the cylinder. Further, because the rod 30 of Navas is fixed to piston 3, rod 30 is also incapable of rotating about an axis perpendicular to the long axis of the cylinder, and thus, incapable of laterally bending with respect to the cylinder. Consequently, since the device of Navas is specifically designed to prevent lateral bending of piston 3 and rod 30, one skilled in the art would not have had a reason to modify the device of Navas to include an opening configured to accommodate lateral bending.

Therefore, at least because Navas fails to disclose, teach, or suggest an opening sized to allow a rod portion to laterally bend with respect to a cylindrical body portion and because it would not have been obvious to one of ordinary skill in the art to modify the device of Navas to include an opening configured to accommodate lateral bending, it is respectfully submitted that claims 22, 26, 29, and 33 are patentable over Navas, and that the section 103(a) rejection of these claims should be withdrawn.

Rejection of Claims Under 35 U.S.C. § 103(a): Navas, Alby, and Belogour

The Examiner has rejected claims 23 and 30 as allegedly being unpatentable over Navas in view of Alby, and claims 27 and 34 as allegedly being unpatentable over

Navas in view of Belogour. Office Action at pp. 4 and 5. Applicants respectfully traverse these section 103(a) rejections and request withdrawal of these rejections for at least the following reasons.

Claims 23 and 30 are not obvious over Navas in view of Alby, and claims 27 and 34 are not obvious over Navas in view of Belogour, because the references, both alone and in their respective combinations, fail to disclose, teach, or suggest all of the claimed elements/limitations. Since claims 23 and 27 depend from independent claim 20, and since claims 30 and 34 depend from independent claim 28, all elements of the respective independent claims are required by the dependant claims. As discussed above, Navas fails to disclose, teach, or suggest all elements of independent claims 20 and 28, because Navas fails to disclose, teach, or suggest an opening capable of allowing a rod to laterally bend with respect to a cylindrical body. Moreover, as discussed above in greater detail, it would not have been obvious to one of ordinary skill in the art to modify the device of Navas to include an opening configured to accommodate lateral bending, because the device of Navas is specifically designed to prevent lateral bending. Further, Alby and Belogour do not remedy these deficiencies. Consequently, claims 23, 27, 30, and 34 are patentable over the respectively cited references, and the section 103(a) rejections of these claims should be withdrawn.

Applicants need not and do not address the Examiner's contentions with respect to Alby, Belogour, and certain elements of certain claims. By not addressing those contentions, Applicants in no way acquiesce to them.

Conclusion

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In discussing the claims in this Response, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification, abstract, or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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